

No. 03-1231

[UNPUBLISHED]

Before MORRIS SHEPPARD ARNOLD, BYE, and RILEY, Circuit Judges.

PER CURIAM.

Scott Nokes appeals the district court's¹ denial of his request for emergency relief enjoining a court-martial proceeding during the pendency of proceedings on his Administrative Procedures Act claim. Having carefully reviewed the record, we conclude the district court properly denied Nokes a preliminary injunction. See Schlesinger v. Councilman, 420 U.S. 738, 758 (1975) (“when a serviceman charged with crimes by military authorities can show no harm other than that attendant to resolution of his case in the military court system, the federal district courts must refrain from intervention, by way of injunction or otherwise”). Accordingly, we affirm. See 8th Cir. R. 47B.

A true copy.

Attest:

CLERK, U.S. COURT OF APPEALS, EIGHTH CIRCUIT.

¹The Honorable David S. Doty, United States District Judge for the District of Minnesota.